

Contents 55 Gal.;" "Ozark Cider & Vinegar Company Ozark Brand Pure Apple Cider Vinegar Contents 55 Gal.;" "Mountain Brand Apple Cider Vinegar Contents 55 Gal. Rogers Arkansas."

Adulteration was alleged with respect to the Salome brand sugar vinegar for the reason that a substance deficient in acid strength had been substituted wholly or in part for the article so as to reduce and lower its acid strength to less than 4 grams of acetic acid per 100 cubic centimeters.

Misbranding of the articles was alleged for the reason that the statement appearing on the said barrels, to wit, "Contents 55 Gal.," was false and misleading and calculated to deceive the purchaser in that the said barrels contained less than 55 gallons of the respective products. Misbranding was alleged for the further reason that the articles were [food] in package form, and the said packages did not bear a label with the true quantity of the contents plainly and conspicuously delineated thereon.

On January 27, 1923, the Ozark Cider & Vinegar Co., Rogers, Ark., having appeared as claimant for the property and consented to the entry of decrees, judgments of the court were entered finding the products to be misbranded and ordering their condemnation, and it was further ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$2,000, in conformity with section 10 of the act, conditioned in part that they be rebranded to show the true contents and that the labels indicate that the said barrels each contained less than 55 gallons of the respective products.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11766. Adulteration of walnut meats. U. S. v. 10 Cases of Walnut Meats. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 17295. I. S. No. 8343-v. S. No. W-1317.)

On February 16, 1923, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases of walnut meats, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Sanitary Nut Shelling Co., from Los Angeles, Calif., February 4, 1923, and transported from the State of California into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Order Of Sanitary Nut Shelling Co. \* \* \* Dark Amber 50 Lbs. Net."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed vegetable substance.

On March 26, 1923, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11767. Adulteration and misbranding of canned corn. U. S. v. 168 Cases of Canned Corn. Decree entered ordering release of goods under bond to be relabeled.** (F. & D. No. 17513. I. S. No. 1051-v. S. No. E-4393.)

On or about May 17, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 168 cases of canned corn, remaining in the original unbroken packages at Cumberland, Md., alleging that the article had been shipped by C. W. Baker & Sons, Middletown, Del., on or about November 21, 1922, and transported from the State of Delaware into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Morning Star \* \* \* Sugar Corn Contents 1 Pound 3 Ounces \* \* \* Distributed By G. H. Baker, Middletown, Del."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, scrapings from corn cobs, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the statement, "Sugar Corn," and the design showing whole ears of corn, appearing on the labels of the cans containing the article, were false and misleading and deceived and misled the purchaser in that the said statement and design represented the

product to be whole sugar corn, whereas, in truth and in fact, it was not whole sugar corn but was a product consisting chiefly of corn-cob scrapings. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, sugar corn.

On June 28, 1923, Harold G. Baker, Middletown, Del., having appeared as claimant for the property and having agreed to relabel the product and pay the costs of inspection, a decree of the court was entered ordering the release of the product to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11768. Adulteration and misbranding of canned oysters. U. S. v. 50 Cases of Canned Cove Oysters. Decree finding product to be adulterated and misbranded and ordering that it might be released under bond to be relabeled.** (F. & D. No. 17536. I. S. No. 5200-v. S. No. C-3983.)

On May 17, 1923, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 cases of canned cove oysters at Ardmore, Okla., alleging that the article had been shipped by the Dunbar-Dukate Co., from Pass Christian, Miss., on or about January 9, 1922, and transported from the State of Mississippi into the State of Oklahoma, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Pointer Brand \* \* \* Cove Oysters \* \* \* Net Contents 5 Oz. Oyster Meat. \* \* \* Packed By Dunbar-Dukate Co., New Orleans, La.-Biloxi, Miss."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been substituted in part for the said article.

Misbranding was alleged for the reason that the cans containing the article bore the statement, "Net Contents 5 Oz. Oyster Meat," which statement was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 27, 1923, a decree of the court was entered finding the product to be adulterated and misbranded, and it was ordered by the court that the product be released to the said claimant, the Tyler & Simpson Co., Ardmore, Okla., upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled in a plain and conspicuous manner, "Slack Filled. Contains 4 Oz. Oyster Meat or 1 Oz. Less Than Capacity."

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11769. Misbranding of lutein tablets. U. S. v. 2 Dozen Tubes of Lutein Tablets. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 17663. I. S. No. 2785-v. S. No. E-4456.)

On July 23, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2 dozen tubes of lutein tablets, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped from Morgenstern & Co., New York, N. Y., on or about June 1, 1923, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a spurious imitation product in tablet form, consisting of potato starch, licorice root, and celery seed, with little or no *Corpus luteum* or other glandular tissue.

Adulteration of the article was alleged in the libel for the reason that its strength and purity fell below the professed standard and quality under which it was sold, namely, 5-grain lutein (*Corpus luteum*) tablets.

Misbranding was alleged in substance for the reason that the packages containing the article bore the following statements, designs, and devices regarding the said article and the ingredients and substances contained therein, "5 Gr. Lutein (*Corpus Luteum*) Tablets H. W. & D. \* \* \* Baltimore Each